

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 12 May 2000 (12.05.00)	Applicant's or agent's file reference CM1905 Q/MH
International application No. PCT/US99/20126	Priority date (day/month/year) 03 September 1998 (03.09.98)
International filing date (day/month/year) 01 September 1999 (01.09.99)	Priority date (day/month/year) 03 September 1998 (03.09.98)
Applicant FLOHR, Andreas	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

16 March 2000 (16.03.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer F. Baechler Telephone No.: (41-22) 338.83.38
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INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/20126

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61F13/15 D04H1/54

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61F D04H B32B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 165 807 A (PROCTER & GAMBLE) 27 December 1985 (1985-12-27) figures 1,3 ---	1-17
A	EP 0 272 683 A (KIMBERLY CLARK CO) 29 June 1988 (1988-06-29) figures ---	1-17
A	WO 93 11725 A (PROCTER & GAMBLE) 24 June 1993 (1993-06-24) page 25, line 16 -page 26, line 31; figure 1 ---	1-17
A	GB 2 262 235 A (KAO CORP) 16 June 1993 (1993-06-16) figure 1 ---	1-17
	-/--	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

25 January 2000

Date of mailing of the international search report

03/02/2000

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Barathe, R

INTERNATIONAL SEARCH REPORT

Inte: onal Application No

PCT/US 99/20126

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 94 18926 A (PROCTER & GAMBLE) 1 September 1994 (1994-09-01) figure 1 -----	1-17

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 99/20126

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 0165807 A	27-12-1985	AT 45875 T	15-09-1989
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INTERNATIONAL SEARCH REPORT

information on patent family members

International Application No

PCT/US 99/20126

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
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AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

15

Applicant's or agent's file reference CM1905 Q/MH	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/20126	International filing date (day/month/year) 01/09/1999	Priority date (day/month/year) 03/09/1998
International Patent Classification (IPC) or national classification and IPC A61F13/15		
Applicant THE PROCTER & GAMBLE COMPANY et al.		



1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 16/03/2000	Date of completion of this report 24.11.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Herry-Martin, D Telephone No. +49 89 2399 2060 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/20126

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).):*

Description, pages:

1-16 as originally filed

Claims, No.:

1-17 as originally filed

Drawings, sheets:

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/20126

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims
	No:	Claims 1,2,4-6,8,10,12-16
Inventive step (IS)	Yes:	Claims
	No:	Claims 3,7,9,11,17
Industrial applicability (IA)	Yes:	Claims 1-17
	No:	Claims

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Claim 1 does not satisfy the criterion set forth in Article 33(2) PCT because its subject-matter is not new in respect of prior art defined in the regulations (Rule 64(1)-(3) PCT).

Document EP-A-165 807 (see description pages 9 and 10 and figures 1 and 3) discloses a nonwoven web (11) having a first zone (18) and at least one second zone (21 without 18), said first zone and said second zone having a bonded area, the bonded area of said second zone being greater than the bonded area of said first zone, said first zone having an effective open area of at least about 10 percent and a plurality of apertures (31,32) with an effective size of at least 0.2 square millimeters.

2. Claims 2-9 also do not satisfy the criterion set forth in Article 33(2) or (3) PCT because their subject-matter is not new in respect of prior art defined in the regulations (Rule 64(1)-(3) PCT) or because they do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.
See document EP-A-165 807.

3. Claim 10 does not satisfy the criterion set forth in Article 33(2) PCT because its subject-matter is not new in respect of prior art defined in the regulations (Rule 64(1)-(3) PCT).

Document EP-A-165 807 (see description pages 9 and 10 and figures 1 and 3) discloses a disposable absorbent article (10) comprising the web according to claim 1.

4. Dependent claim 11 does not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT).

Document EP-A-165 807 (see description pages 9 and 10 and figures 1 and 3) discloses a disposable absorbent article (10) comprising a backsheet (12) joined to the topsheet (11), and an absorbent core (13,14).

5. Claim 12 does not satisfy the criterion set forth in Article 33(2) PCT because its subject-matter is not new in respect of prior art defined in the regulations (Rule 64(1)-(3) PCT).

Document EP-A-165 807 (see description pages 9 and 10 and figures 1 and 3) discloses a method of forming a bonded nonwoven web (11) comprising the steps of bonding the web in a first or central zone with a bonded area (18), bonding the web in at least one second or outer zone (21) with a bonded area greater than the bonded area of the central zone, and aperturing the central zone such that the central zone has a plurality of apertures (31,32).

6. Claims 13-17 also do not satisfy the criterion set forth in Article 33(2) or (3) PCT because their subject-matter is not new in respect of prior art defined in the regulations (Rule 64(1)-(3) PCT) or because they do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.
see document EP-A-165 807.

Re Item VII

Certain defects in the international application

1. The requirements of Rule 6.3 b) PCT are not fulfilled because the independent claim 1 is not properly cast in the two part form, with those features which in

combination are part of the prior art (see document EP-A-165 807) being placed in the preamble.

2. The requirements of Rule 6.2(b) PCT are not fulfilled because the features of the claims are not provided with reference signs placed in parentheses.
3. The requirements of Rule 5.1(a)(ii) PCT are not fulfilled because the document EP-A-165 807 is not identified in the description and the relevant background art disclosed therein is not briefly discussed.

Re Item VIII

Certain observations on the international application

1. The vague and imprecise statement in the description on page 16, last paragraph to the end of the description, implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity of the claims when used to interpret them (Article 6 PCT).